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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,450	03/14/2002	Horst Weber	47970/DBP	2974

23363 7590 04/06/2004

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,450

Applicant(s)

WEBER ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-9, 11-13, 15-18 and 22 is/are allowed.
- 6) ☒ Claim(s) 6, 10, 14, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The proposed drawing correction filed October 15, 2002 and January 15, 2004 have been approved.

Claim Rejections - 35 USC § 112

Claims 6, 10, 14, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "inserted by side projections" on line 3 of claim 6 render the claims indefinite because it is unclear what the applicant is attempting to set forth. It appears that the side projections do not insert the shaped member. Recitations such as "grooves" on line 6 of claim 6 render the claims indefinite because it is unclear if the applicant is referring to the grooves set forth above or is attempting to set forth grooves in addition to the ones set forth above. Also see "a base surface" on line 3 of claim 19, "a base surface" on line 4 of claim 20, "a vehicle door" on line 6 of claim 20, and "a metal carrier plate" on lines 3-4 of claim 21. Recitations such as "a sheet metal angle" on line 2 of claim 10 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises a sheet metal angle? Recitations such as "edges" on line 8 of claim 14 render the claims indefinite because it is unclear what element of the invention includes the edges to which the applicant refers.

Allowable Subject Matter

Claims 1-5, 7-9, 11-13, 15-18 and 22 are allowed.

Claims 6, 10, 14, 20 and 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is an examiner's statement of reasons for allowance: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach a cable or Bowden cable window lifter comprising a carrier plate adapted to seal a dry side of the vehicle door from a wet side of the vehicle door, at least one carrier holding a window pane and displaceable along the at least one guide rail, wherein the at least one carrier bears at least in part against an outside and an inside of the at least one guide rail and extends through the slot, wherein the inside of the at least one guide rail is provided with a cover that provides a moisture seal. See lines 3-4, 8-12 and 18-21 of claim 1.

Although references such as Engelsberger et al. '157 and '580 disclose a guide rail 1.1 that could be integrally molded with the carrier plate 1, one with ordinary skill in the art would not be motivated, absent the applicant's disclosure, to provide a side of the carrier plate opposite the guide rail with a cover that provides a moisture seal since the carrier plate would provide the moisture seal itself. Moreover, even through references such as PCT Patent Application No. 98/50658 disclose forming a guide rail from the carrier plate, one with ordinary skill in the art would not be motivated to provide

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the guide rail of PCT Patent Application No. 98/50658 with a slot since said slot would destroy the sealing characteristics of the carrier plate.

Response to Arguments

Applicant's arguments filed January 15, 2004 have been fully considered but they are not persuasive. Merely because a certain term is well known in Germany does not mean that its literal translation is well known in English. It should be noted that literal translations from German into English and vice versa are not always definite according to 35 USC 112 second paragraph.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
April 5, 2004